

IN THE COMMON PLEAS COURT  
MAHONING COUNTY, OHIO

## Order of Protection

Per ORC 3113.31(F)(2), this order is indexed at

MAHONING COUNTY SHERIFF'S OFFICE

LAW ENFORCEMENT AGENCY WHERE INDEXED

(330) 480-5030

PHONE NUMBER

Case No.

Judge Beth A. Smith

County

MAHONING

State

OHIO

**DOMESTIC VIOLENCE CIVIL PROTECTION ORDER (CPO) EX PARTE (R.C. 3113.31)**

### PETITIONER:

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First

Middle

Last

### PERSON(S) PROTECTED BY THIS ORDER:

Petitioner: \_\_\_\_\_ DOB: \_\_\_\_\_

Petitioner's Family or Household Member(s): \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_ DOB: \_\_\_\_\_

v.

### RESPONDENT:

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First

Middle

Last

Relationship to Petitioner: \_\_\_\_\_

Address where Respondent can be found: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

### RESPONDENT IDENTIFIERS

SEX	RACE	HT	WT
EYES	HAIR	DATE OF BIRTH	
DRIVERS LIC NO. & EXP. DATE			STATE

Distinguishing Features \_\_\_\_\_

☐ **FIREARMS ACCESS – PROCEED WITH CAUTION**

(Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this form is not required for enforcement.)

### THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent will be provided with reasonable notice and opportunity to be heard within the time required by Ohio law. **Additional findings of this order are set forth below.**

### THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing further acts of abuse or threats of abuse.

That the above named Respondent be restrained from contact with Petitioner and other protected persons named in this order, as set forth below.

Additional terms of this order are set forth below.

The terms of this order shall be effective until \_\_\_\_ / \_\_\_\_ / \_\_\_\_ .

DATE CERTAIN

**WARNINGS TO RESPONDENT: See the warnings page attached to the front of this Order.**

This proceeding came on for an *ex parte* hearing on \_\_\_\_\_, \_\_\_\_\_ (Respondent not being present), upon the filing of a petition by Petitioner for a domestic violence civil protection order (CPO) against the Respondent, pursuant to Ohio Revised Code 3113.31. In accordance with R.C. 3113.31(D)(1), the court held an *ex parte* hearing on the same day that the petition was filed.

The Court finds that the facts contained in the Petition are true in that Respondent engaged in domestic violence against the persons protected by this order as defined in R.C. 3113.31, and that, for good cause shown, the following temporary orders are necessary to protect the persons named in this order from domestic violence. (See R.C. 3113.31(D)(1): "Immediate and present danger of domestic violence to the family or household member constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the family or household member with bodily harm or in which the respondent previously has been convicted of or pleaded guilty to an offense that constitutes domestic violence against the family or household member.")

**ALL OF THE PROVISIONS CHECKED BELOW APPLY TO THE RESPONDENT**

- ☐ 1. **RESPONDENT SHALL NOT ABUSE** the protected persons named in this Order by harming, attempting to harm, threatening, molesting, following, stalking, bothering, harassing, annoying, contacting, or forcing sexual relations on them. [NCIC 01 and 02]
- ☐ 2. **RESPONDENT SHALL IMMEDIATELY VACATE** the following residence \_\_\_\_\_
- ☐ 3. **EXCLUSIVE POSSESSION OF THE RESIDENCE** located at: \_\_\_\_\_  
is granted to: \_\_\_\_\_. Respondent shall not interfere with this individual's right to occupy the residence including, but not limited to canceling utilities or insurance, interrupting phone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]
- ☐ 4. **RESPONDENT SHALL SURRENDER** all keys and garage door openers to the above residence at the earliest possible opportunity within 24 hours of service of this Order to the law enforcement officer who serves Respondent with this Order or as follows: \_\_\_\_\_
- ☐ 5. **RESPONDENT SHALL NOT ENTER** the residence, school, business, place of employment, or day care centers of the protected persons named in this order, including the buildings, grounds and parking lots at those locations.
- ☐ 6. **RESPONDENT SHALL STAY AWAY FROM PETITIONER** and all other protected persons named in this order, and shall not be present within 500 yards or \_\_\_\_\_ (distance) of protected persons, wherever protected persons may be found, or any place the Respondent knows or should know the protected persons are likely to be, **even with Petitioner's permission**. If Respondent accidentally comes in contact with protected persons in any public or private place, Respondent must depart *immediately*. This order includes, encounters on public and private roads, highways, and thoroughfares. [NCIC 04]
- ☐ 7. **RESPONDENT SHALL NOT INITIATE ANY CONTACT** with the protected persons named in this Order or their residences, businesses, places of employment, schools, day care centers, and babysitters. Contact includes, but is not limited to, telephone, fax, e-mail, voice mail, delivery service, writing, or communications by any other means in person or through another person. [NCIC 05]
- ☐ 8. **RESPONDENT SHALL IMMEDIATELY SURRENDER POSSESSION OF ALL KEYS TO THE FOLLOWING MOTOR VEHICLE:** \_\_\_\_\_ **to:** \_\_\_\_\_, who is granted exclusive use of this motor vehicle.
- ☐ 9. **RESPONDENT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY OR PETS** owned or possessed by the protected persons named in this Order. Protected persons personal property shall be apportioned as follows: \_\_\_\_\_

- ☐ **10. RESPONDENT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON** to do any act prohibited by this order.
- ☐ **11. RESPONDENT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON.** Respondent shall turn over all deadly weapons in Respondent's possession to the law enforcement officer who serves Respondent with this Order or as follows:

Any law enforcement agency is authorized to take possession of deadly weapons pursuant to this paragraph and hold them in protective custody until further Court order. [NCIC 07]

- ☐ **12. PARENTAL RIGHTS AND RESPONSIBILITIES ARE TEMPORARILY ALLOCATED AS FOLLOWS:**

\_\_\_\_\_  
This order applies to the following child(ren): \_\_\_\_\_  
\_\_\_\_\_

- ☐ **13. VISITATION ORDERS DO NOT PERMIT RESPONDENT TO VIOLATE THE TERMS OF THIS ORDER.**

- ☐ (A) Respondent's visitation rights are suspended; or
- ☐ (B) As a limited exception to paragraph 6, temporary visitation rights are established as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
This order applies to the following child(ren): \_\_\_\_\_  
\_\_\_\_\_

- ☐ **14. LAW ENFORCEMENT OFFICERS**, including \_\_\_\_\_, are ordered to assist Petitioner in gaining physical custody of the child(ren) if necessary.

- ☐ **15. RESPONDENT SHALL SUPPORT** the protected persons named in this Order by following the attached Support Order, which is incorporated herein by reference.

- ☐ **16. RESPONDENT MAY PICK UP CLOTHING** and personal items from the above residence only upon reasonable notice to protected persons named in this order and in the company of a uniformed law enforcement officer within 7 days of the filing of this Order. Arrangements may be made by contacting: \_\_\_\_\_

- ☐ **17. RESPONDENT SHALL NOT CONSUME, USE, OR POSSESS** illegal drugs or beverages containing alcohol.

- ☐ **18. IT IS FURTHER ORDERED** that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ **19. THIS MATTER IS REFERRED TO A MAGISTRATE FOR A FULL HEARING PURSUANT TO CIVIL RULE 53.**

- ☐ **20. THIS MATTER SHALL PROCEED TO A FULL HEARING PURSUANT TO OHIO REVISED CODE 3113.31(D)(3).**

**21. IT IS FURTHER ORDERED** that the Clerk of Court shall cause a copy of the Petition and this Order to be delivered to the Respondent as required by law. The Clerk of Court shall also provide certified copies of the Petition and this Order to Petitioner upon request. This Order is granted without bond. Pursuant to 42 USC 3796, the Clerk shall not charge the victim any fees for filing, issuing, registering, or serving this protection order.

22. **ALL OF THE TERMS OF THIS ORDER REMAIN IN FULL FORCE AND EFFECT FOR A PERIOD OF FIVE YEARS FROM ISSUANCE, OR UNTIL** \_\_\_\_\_ , \_\_\_\_\_ unless earlier modified by or dismissed by order of this court. Except for paragraphs 12, 13, 14, and 15 above, this order survives a divorce, dissolution of marriage, or legal separation.

**IT IS SO ORDERED.**

\_\_\_\_\_  
**MAGISTRATE**

**NOTICE TO RESPONDENT:** THE PERSONS PROTECTED BY THIS ORDER CANNOT GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THIS ORDER. IF YOU CONTACT OR GO NEAR THE PROTECTED PERSONS, EVEN WITH THEIR PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. IF THERE IS ANY REASON WHY THIS ORDER SHOULD BE CHANGED, YOU MUST ASK THE COURT TO CHANGE IT. **YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.**

**A FULL HEARING** on this Order, and on all other issues

raised by the Petition, shall be held before Judge/

Magistrate \_\_\_\_\_

on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ a.m./p.m. at the following location:

**SERVICE OF ALL DOCUMENTS TO:**

☐ Respondent (by personal service)

☐ Police Dept. Where Petitioner Resides \_\_\_\_\_

☐ The **Mahoning** County Sheriff

☐ Police Dept. Where Petitioner Works: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_

☐ **Instructions for Service:** Pursuant to Rule 10 of the Rules of Superintendence, the Court has completed Form 10-A. The Clerk of Courts is instructed to file a time-stamped copy of Form 10-A with the Mahoning County Sheriff's Office.